IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.444/2002

Badri Prasad S/o Shri Sultan & Another
...defendant-appellants
Versus
Ram Ratan S/o Shri Chanda Ram
...plaintiff-respondent
AND
The State of Rajasthan & Others
...defendant-respondents

Date of Order ::: 04.12.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri Ajeet Kumar Sharma with
Shri Vishnu Sharma, Counsel for defendnat-appellants
Shri S.B. Meena, Counsel for plaintiff-respondent
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By the Court:-

Heard learned counsel for the parties.

The plaintiff-respondent filed a suit for declaration and possession in respect of the disputed property, which was dismissed by the lower court in view of the finding on Issue No.1 arrived at against the plaintiff. However, on an appeal filed by the plaintiff, the first appellate court, after considering the evidence on the record particularly the 'patta (Exhibit-1), issued in favour of the plaintiff, reversed the finding of the lower court and decreed the suit of the plaintiff.

I have heard the learned counsel for both the parties and after considering their submissions in the light of the findings of the first appellate court as well as the record of both the courts below, which was

summoned, I find that the controversial issues involved in the present case relate to question of fact and there is a finding of fact by the first appellate court, which cannot be interfered with by this court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is dismissed at admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.

//Jaiman//